

Probate Notes for March 20, 2007

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If you wish to have your petition preapproved or would like to continue the matter to cure defects, contact the probate examiner at (530) 406-6718 between the hours of 2 p.m. and 4 p.m. Counsel are reminded to submit proposed orders which do not include any attachments.

Case: Estate of Baker
Case No. CV PB 05-215

The petitioner has not filed the mandatory statement regarding the filing fee required by California Rules of Court, rule 7.552. If the statement is filed, it is recommended to grant the petition for final distribution.

Case: Estate of Dubach
Case No. CV PB 07-32

This matter was erroneously filed without the original Will and First Codicil being filed. It is also noted from review of the signature pages that the copy of the Will attached to the petition does not appear to be a true copy of the Will. As a courtesy, it is recommended to continue the matter two weeks to allow time for petitioner to locate and file the original Will and First Codicil. If the originals are not filed before that date, it is recommended to vacate the petition. (Prob. Code §8200) Additionally, section 4.f. was not completed.

Case: Estate of Gill
Case No. CV PB 07-02

It is recommended to approve the first and final report of administrator on waiver of account and grant the petition for its settlement, for statutory fees for the petitioner's attorney, and for final distribution.

Case: Estate of Simons
Case No. CV PB 05-116

Counsel shall appear.

1. The losses on sales are incorrectly calculated. (Prob. Code §1062(d).) The correct amount of losses is \$20,000 (\$350,000 - \$330,000)
2. The computation of the statutory fees will need to be amended because losses on sales are incorrectly calculated (*Petition, page 3, lines 14-15*)
3. Costs of sale, settlement charges and payoffs listed on Schedule E, Losses on Sale, are properly disbursements, and details of the costs of sale must be listed on Schedule C, Disbursements. (Prob. Code §1062(b).)
4. Petitioner should be prepared to explain why payments for telephone services were necessary until March 7, 2006, one year after decedent's date of death.

5. Petitioner should be prepared to explain why a payment was made to DMV on October 20, 2005, when no automobile was inventoried in the estate.
6. Petitioner is requested to file or bring to hearing a copy of the promissory note, so the terms of the note may be reviewed. Objector states that the promissory note is not yet due.
7. Petitioner lists under Schedule B, Receipts, interest on the promissory note, indicating that the amount of \$1,554.16 was paid. However, it is confusing because petitioner lists that same amount of interest as being “due from Jeremy Simons”. A schedule of Receipts must only list interest actually received, not due. If interest payments were made, the date and amount of each payment must be listed on Schedule B. (Prob. Code §1062(a).)
8. Objector should be prepared to brief the court as to his calculation of the promissory note’s 12/31/06 value being \$35,492.96. The note was inventoried at date of death at \$40,782.72.
9. Petitioner should be prepared to brief the court as to the details of his calculation of the promissory note’s 12/31/06 value being \$42,336.88.

Case: Probate Conservatorship of Munich
Case No. CV PB03-181

If the doctor’s report supports the petition, it is recommended to grant the petition for appointment of probate conservator of the person. It is recommended to approve the first account and report of conservators of the estate.

Case: The Abdel-Aziz Trust
Case No. CV P2 07-26

It is recommended to grant the petition to appoint Jalis (Jay) H. Aziz as successor trustee of the Abdel-Aziz Living Trust.

Case: In re the Lares Revocable Living Trust
Case No. CV P2 06-276

Counsel shall appear. No new documents have been filed since the January 16, 2007 hearing.